



Region One
490 North Meridian Rd.
Kalispell, MT 59901
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FAX: 406-257-0349
Ref: JS062-10
September 29, 2010

Ladies and Gentlemen:

Recently you received documents regarding the Montana Fish, Wildlife & Parks (FWP) proposed West Swan land conservation project. These documents addressed the environmental impacts of various conservation alternatives as well as the no-action alternative. Proposed action alternatives for FWP use of available fish mitigation funds from the Bonneville Power Administration were to purchase a conservation easement or fee-title interest (or a combination of both of these actions) on approximately 9,500 acres of former Plum Creek Timber Company lands in the Swan Valley. The project lands are located in a checkerboard pattern with the Swan River State Forest lands mostly west of Highway 83 in Lake County.

Eleven of the total 13 comments received (12 written plus one verbal comment at the public meeting) supported FWP completing at least one of the action alternatives. One comment focused on the issue of fuel reduction in Riparian Exclusion Areas and did not express an opinion on the proposed alternatives. Nine comments clearly supported the fee-title alternative because this would provide more wildlife protection than the conservation easement alternative. One individual supported the conservation easement alternative and two supported any of the three action alternatives (conservation easement, fee-title, or a combination of these options).

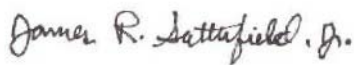
Comments received and our responses to comments regarding this proposal are summarized in the enclosed Decision Notice. No modifications were made in the documents you received as a result of the public review period. Please consider your previous copies of the Environmental Assessment as final.

It is my recommendation that FWP and Commission approve a course that allows the state to implement any one of the three possible action alternatives considered in the draft environmental assessment to ensure these lands are conserved for future generations. The final decision of which alternative is available to FWP will be dependent on the willingness of the landowner or seller (The Nature Conservancy in this instance), available funding, and final costs of the alternatives, which are not available at this time.

Based on this Decision Notice, FWP Commission has placed the West Swan Conservation Project on its next meeting agenda (October 7) for a final decision to go forward with all of the possible action alternatives. There will be opportunities for the public to comment during this and any subsequent FWP Commission meetings as well at any subsequently scheduled State Land Board meetings regarding this project. We anticipate the State Land Board will take final action at their October 18 or November 15 meeting, depending on the final decision of the FWP Commission.

The agenda for the upcoming FWP Commission meeting is posted on the following FWP web location: (<http://fwp.mt.gov/doingBusiness/insideFwp/commission/default.html>). For future State Land Board meetings and agendas, please consult the Montana Department of Natural Resources and Conservation website for the State Land Board at (http://dnrc.mt.gov/About_Us/meetings.asp#lb). If you have any questions about this Decision Notice, please contact Joel Tohtz in the FWP Region One office (406-752-4570 or jtohtz@mt.gov).

Sincerely,



James R. Satterfield Jr., Ph.D.
Regional Supervisor

Enclosure

c: *Governor's Office, Attn: Mike Volesky, PO Box 200801, Helena, 59620-0801
*Cecelia Brown, Bonneville Power Administration
*Environmental Quality Council, PO Box 201704, Helena, 59620-1704
*Dept. of Environmental Quality, Planning, Prevention & Assistance, PO Box 200901, Helena, 59620-0901
*Dept. of Environmental Quality, Permitting Compliance, PO Box 200901, Helena, 59620-0901
Tom Schultz, DNRC, PO Box 201601, Helena, 59620-1601; Kalispell: Bob Sandman*
Dan Roberson, DNRC, Swan River State Forest, Swan Lake, 59911
Montana Fish, Wildlife & Parks - Director's Office: Reg Peterson; Fisheries: Karen Zackheim, Nancy Podolinsky; Wildlife: Don Childress, Steve Knapp; Lands: Hugh Zackheim; Rebecca Cooper; & Legal Unit: Stella Cureton
*Dale Becker, Manager, CSKT Fish & Wildlife Program, PO Box 278, Pablo, 59855
*Sid Rundell, Flathead Reservation Fish & Wildlife Board Chair
*Lynn DuCharme, Subbasin Coordinator, CSKT, P O Box 278, Pablo, 59855
*Tom McDonald, Div. Admin., CSKT Natural Resources, PO Box 278, Pablo, 59855
*Arlene Caye & Marcia Pablo, CSKT Historic Preservation Office, PO Box 278, Pablo, 59855
*E. T. Bud Moran, CSKT Tribal Chair, PO Box 278, Pablo, 59855
*Patricia Hewankorn, Kootenai Culture Committee, PO Box 278, Pablo, 59855
*Tony Incashola, Salish Culture Committee, Box 418, St. Ignatius, 59865
*Les Evarts, CSKT, P O Box 278, Pablo, 59855

Steve Brady, US Forest Service, Swan Lake Ranger District, 200 Ranger Station Road, Bigfork, 59911

Forest Supervisor, US Forest Service, 650 Wolfpack Way, Kalispell, MT 59901

*Montana Historical Society, SHPO, 225 North Roberts, Veteran's Memorial Building, Helena, 59620-1201

*Montana State Library, 1515 East Sixth Ave., Helena, 59620-1800

*Adam McLane, Montana Environmental Information Center, PO Box 1184, Helena, 59624

George Ochenski, 4 Harrison Road, Helena, MT 59601

*Wayne Hirst, Montana State Parks Foundation, PO Box 728, Libby, 59923

*Montana State Parks Association, PO Box 699, Billings, 59103

*Joe Gutkoski, President, Montana River Action Network, 304 N 18th Ave., Bozeman, 59715

*Representatives Calf Boss Ribs, Fleming, Jopek, Reichner, & Taylor

*Senators Breueggeman, Jackson, & Juneau

Lake County Commissioners, 106 Fourth Avenue E, Polson, 59860

Flathead County Commissioners, 800 S Main Street, Kalispell, MT 59901

Flathead County Library, 247 First Avenue E, Kalispell, 59901

Flathead County Library, P O Box 472, Bigfork, 59911

Seeley Lake Public Library, PO Box 416, Seeley Lake, 59868

Polson City Library, PO Box 820, Polson, 59860

Missoula County Library, 301 E Main Street, Missoula, 59802

Swan Lake Library, PO Box 5147, Swan Lake, 59868

Swan Ecosystem Center, 6887 Hwy 83, Condon, 59826

Interested Parties



**Region 1
490 N. Meridian Road
Kalispell, MT 59901**

**Decision Notice
and
Finding of No Significant Impact
For West Swan Valley Land Conservation Project**

September 29, 2010

Description of the Proposed Action:

As part of the Montana Legacy Project, Montana Fish, Wildlife & Parks proposes to conserve approximately 9,500 acres of former Plum Creek Timber Company lands in the West Swan area of the Swan River State Forest using available fish mitigation funds from the Bonneville Power Administration. The lands are located in a checkerboard pattern mostly west of Highway 83 in Lake County. Action alternatives evaluated by FWP include purchase of a conservation easement, fee-title purchase of the lands directly, or a combination of these 2 alternatives.

Public involvement:

The Nature Conservancy and Trust For Public Land have been involved in extensive public outreach since the Montana Legacy Project was initially announced. With strong public support, FWP also has been completing conservation of forest land in the Swan since 2006. FWP holds a conservation easement on 7,200 acres and fee-title to another 1,760 acres east of the proposed project as part of the North Swan Conservation Project, approved by the FWP Commission and State Land Board in December 2005.

To scope for specific issues related to the West Swan Conservation Project, FWP initiated a 2-week comment period on June 29, 2010. FWP distributed a news release to media outlets requesting preliminary public input on issues they may have concerning this proposed action. We also sent this information to the Swan Ecosystem Center based in Condon, who then forwarded that information on to 43 entities on one of their mailing lists per our request.

We received four letters during the scoping period that ended July 12, 2010. One letter supported the overall project proposal, while the other three respondents generally favored the FWP fee-title acquisition alternative. Two respondents raised concerns about fish and wildlife habitat protections, particularly for the conservation easement alternative. They specifically asked for clarification on how the proposed alternatives would address stream conditions such as temperature, sedimentation, roads, culverts, stream crossings, and road densities; trends in stream conditions over time; habitat considerations for westslope cutthroat trout, grizzly bears, lynx, and white-tailed deer; global warming; grizzly bear agreements; and old growth.

FWP released a draft environmental analysis for public review on August 6, 2010, and asked for comments on the analyses and alternatives initially by September 5. This deadline was later extended to September 24 in anticipation of the availability of appraisal information. We distributed the draft document to 63 individuals and organizations and sent post cards announcing the public comment period to another 132 individuals and organizations. FWP bought legal ads that described the proposed project, the availability of the draft EA, and the public meeting information in 5 regional or local newspapers and on FWP's official web page. FWP also issued a press release that focused on the availability of the draft EA and the time, date, and location of the public meeting. A news article on the proposed project appeared in the Daily Inter Lake on August 11, 2010. We also supplied copies of the draft document to public libraries in Kalispell, Bigfork, Seeley Lake, Polson, Missoula, Swan Lake, and Condon and made copies available at Region One headquarters.

Our public meeting was held August 19, 2010, at 7:00 p.m. at the Swan Lake Community Center. We provided information about the project and answered questions. Ten members of the public attended the open house in addition to representatives from FWP, Montana Department of Natural Resources and Conservation, and Trust for Public Land. One individual expressed support for the conservation easement alternative at the public meeting.

On September 3, in anticipation of receiving preliminary appraisal information that FWP could release to the public, FWP extended the public comment period through September 24th via public notices, emails, press releases, and legal notices. Unfortunately, the appraisal was not available before the end of the public comment period and we do not currently have a firm estimate of when the appraisal process will be completed.

Public Comments:

FWP received 12 written comments from the public during the environmental assessment public comment period ending September 24, 2010. Of these, nine individuals supported the fee-title alternative (Alternative 2), while two respondents suggested that either fee-title or conservation easement alternatives were acceptable. One individual commented on the need to address fuel reduction in the proposed conservation easement designated Riparian Exclusion Areas.

The respondents supporting the fee-title alternative (Alternative 2) believed this alternative would be best for fish and wildlife habitat and application of mitigation funds. They believed the FWP conservation easement alternative allows for too much timber management and would not provide adequate protection for threatened and endangered species and overall fish and wildlife habitat. Specific comments focused on deficiencies in the conservation easement that did not designate Riparian Exclusion Zones along all streams; provide enough protection for streams with westslope cutthroat trout; provide any terms to maintain habitat for lynx, white-tailed deer winter range, or old growth; and did not specifically protect disconnected wetlands. They expressed concerns for continued and future impacts of roads on streams and grizzly bears. They mentioned that there were too many exceptions to harvest restrictions in designated stream buffers. Several respondents supporting the fee-title alternative stated they would like to know

the costs of all the alternatives and reserve the right to make additional public comment once that information is available.

FWP RESPONSE TO COMMENTS

Comments Received About the Conservation Easement Alternative (Alternative 1):

Streams, riparian areas, wetlands

1. Several respondents believed that all streams within the project area should have greater protection, not just the bull trout streams (Swan River, Woodward, and South Woodward Creeks). They believed that buffers should be placed on all streams, including intermittent and headwaters, to maintain cold temperatures and reduce sediment, and mitigate for climate change. They also believed the Riparian Exclusion Zones should be larger to protect the streams from increased sediment and temperature.

FWP Response: Proposed riparian buffer sizes and stream class associations are admittedly a necessary compromise between maximizing stream protections across this landscape and providing enough management flexibility to profitably harvest timber. The proposed riparian buffer sizes are derived from a combination of current forestry best management practices, including additional protections on all streams embodied in DNRC's proposed habitat conservation planning effort, coupled with ecological considerations of site potential tree growth, which in the Swan Valley is typically 80 to 100 feet. Increasing stream protections, for example, by moving forest management activities even further from all streams, regardless of type, would provide additional stream conservation benefits. However, these benefits would be realized at a diminishing rate of return; expanding buffers would have less and less direct measureable effect on stream condition once minimum protections for stream function is established. Again, as a compromise, the proposed stream protections are significantly improved over current forestry best management practices, yet they also maintain forestry as a viable land use option in the project area, both of which are primary project objectives.

2. The 50% retention of all large trees in the Riparian Management Zone is a nice idea if this area has not been logged before, which is not the case. How many times and how often will the RMZ be logged under Alternative 1? Are there areas in the RMZ that will never allow logging?

FWP Response: Past logging activities are included in site assessments for new timber projects on a case by case basis. In addition, limitations on harvest within the Riparian Management Zones are not simply based on percent of certain classes of trees harvested alone. Additional harvest on multiple entries into the Riparian Management Zones is also limited, for example, by requirements of the Montana Streamside Management Zone Law to leave a minimum number of trees eight-inch-diameter at breast height, or greater, every 100 linear feet if that number exceeds what would be left on the basis of percent of harvest alone. The required minimum number of trees left varies depending on stream class, but a lower limit to harvest exists on all fish bearing streams, perennial streams,

and streams that contribute surface flow to another stream, lake, or similar aquatic feature. These limits are imposed precisely to prevent tree cover from being excessively removed near streams that might harm forest benefits of shading or the recruitment of large woody debris. No Riparian Management Zone is proposed in which logging will never be allowed; however, the Riparian Exclusion Areas severely restrict potential harvest to management activities intended to benefit fish and wildlife only. This requirement, subject to FWP approval, has the practical effect that harvest in these areas will likely remain extremely rare.

3. There are too many exceptions in the conservation easement such as:
 - Harvest of insect-infested trees or hazard trees may occur within the 50-foot no-harvest buffer; ...harvest of diseased or insect-infested trees from within the remaining RMZ may exceed those levels necessary to meet the normal 50% retention requirement.
 - Cable harvest systems on Class 1 streams may require corridors through the RMZ in order to fully suspend logs across a stream. In these situations there would be an exception to the no-harvest buffers that would allow cable corridors with a minimum spacing of 150 feet (see pages 9 & 10).

FWP Response: Timber harvest exceptions in the conservation easement exist to provide a degree of flexibility necessary to harvest trees in keeping with current industry standards and best management practices. Additional harvest allowances apply to exceptional, not typical, circumstances, such as insect or disease infestations identified by the respondents. Balancing the need to retain this management flexibility is that all harvest activities are evaluated on a case by case basis. Conflicts with the conservation purposes of the easement will be identified early in this process, if and when they arise, providing an opportunity to implement appropriate mitigation. However, these exceptions do not apply to the Riparian Exclusion Areas where all future management actions are solely for the purpose of benefiting fish and wildlife habitat.

4. The conservation easement does not protect potholes and wetlands unless they are connected to a stream riparian area. The conservation easements do not cover all creeks, perennial creeks, pot holes, and wetlands

FWP Response: Existing state and federal laws provide additional protections for all aquatic resources above and beyond those protections explicitly highlighted in the conservation easement. Nothing in the proposed easement modifies, diminishes, or otherwise alters these additional protections. Although these are important habitat components, the proposed conservation easement alternative was the result of extensive negotiations with the seller of these lands.

Fish, Wildlife and Overall Habitat Considerations under Alternative 1:

1. There are no standards for lynx. Forest management does not address white-tailed deer thermal cover. If the lands are acquired by DNRC they may not apply their Habitat Conservation Plan (HCP) standards to these lands. The lands will always be in a state of recovery from roads and logging under DNRC ownership, as DNRC plans for 80-100-year logging rotations. These lands will never have old growth attributes, large snags and large woody debris, which are critical for many wildlife and fish species. There are old-growth-dependent species and these will not survive on the landscape under Alternative 1 and will never have habitat suitable to their needs.

FWP Response: We were unable to negotiate specific conservation easement terms for lynx, white-tailed deer winter range, and old growth with the future owner/seller of these lands. This landowner was willing to limit subdivision, restrict development and other commercial rights, and protect riparian areas along the important fish-bearing streams. Recently, the adjoining landowner and potential purchaser of these lands, DNRC, announced their proposal to adopt management standards for several threatened and endangered species, including lynx, grizzly bears, bull trout, and westslope cutthroat trout on their forested lands through an agreement with the U.S. Fish and Wildlife Service, termed the Habitat Conservation Plan or HCP. Once approved, DNRC would follow these standards for their existing forest ownership. If DNRC acquires the proposed West Swan project lands, it will be up to DNRC and the U.S. Fish and Wildlife Service to decide whether or not they will extend the lynx and other wildlife HCP management standards to the West Swan project lands. DNRC would be required, if they own these lands under Alternative 1, to permanently comply with the fish protection terms of the HCP as these were captured in the FWP conservation easement and associated management plan.

2. If these lands fall under DNRC ownership or management, generating revenue through logging will be the highest priority. Wildlife and fisheries protections will not be the dominant use. Soils, wildlife, water quality, fisheries, and recreation will all suffer under DNRC ownership. Alternative 2 does provide for active management of the recovering forest as well as fire suppression by DNRC (p. 36).

FWP Response: Under DNRC ownership, these lands would be primarily managed for timber production, consistent with the DNRC's Forest Management Plan and associated rules, but subject also to the terms of the FWP conservation easement. The proposed conservation easement is similar to the conservation easement that FWP negotiated with Plum Creek on lands east of this project area. The West Swan proposed conservation easement is generally more restrictive and better for fish and wildlife than the Thompson and Fisher conservation easements in that it has specific terms for riparian protection as well as for snag and hardwood retention. The most important aspect of Alternative 1, the FWP conservation easement alternative, is to ensure these lands will not be subject to sale on the private market undergoing general subdivision and development processes that leads to habitat fragmentation and multiple land uses and ownerships, but would be managed for long-term timber production with permanent public access and fish habitat

protection. The project lands, under Alternative 1, would be managed in accordance with the proposed HCP native fish standards; this is also expected to be applied to all the intermixed DNRC lands once the proposed DNRC HCP is finalized. Therefore, from an aquatic or riparian perspective, the entire drainages on both the east and west sides of the Swan River State Forest would be managed in a way that will maintain native fish habitat. We believe the overall forest and riparian condition of the West Swan lands, if purchased by DNRC, will improve over time because of the continuity of management that this would provide with their own lands. The ownership within the Swan River State Forest would not be as fragmented; management across the landscape would be similar and the responsibility, primarily, of one agency. The timing and extent of road use and forest management could be better allocated and timed to minimize some of the impacts that occur with multiple ownerships and differing management goals.

Comments About Deficiencies in the Multi-Resource Management Plan:

1. Delineation of Channel Migration Zones should not be voluntary.
FWP Response: Channel Migration Zones (CMZ) are quantified when a timber sale is proposed. This happens with each timber sale; in these circumstances, delineation is required, not voluntary.
2. Abandoned roads should be reclaimed, not allowed to remain on the landscape with culverts intact. The greatest surface erosion from roads occurs during the construction phase and the first year after. Temporary roads have enduring impacts on aquatic resources.
FWP Response: The Multi-Resource Management Plan commits to no net gain in road miles over existing conditions at the time of acquisition, which means some old roads must be reclaimed whenever new roads are necessary. Best management practices will be used to reduce sediment effects during new road construction. These same practices apply to reducing or eliminating sediment from any abandoned road. Typically, culverts are removed, not left in place, in these situations.
3. The Management Plan allows the landowner to construct and maintain up to 5 miles of temporary roads to facilitate timber management. However, temporary roads have impacts similar to permanent roads, such as erosion during and just after construction and compaction and loss of soil productivity. Road obliteration does not immediately stop severely elevated soil erosion from roads. Temporary roads have enduring impacts on aquatic resources.
FWP Response: Temporary roads are often necessary to conduct modern forest operations, and their impact can be significant. Exactly for this reason, best management practices are always used to reduce or eliminate harmful consequences to aquatic resources during road construction, and after a road is retired from use.
4. Fifteen years is too long to complete corrective actions on sites identified as having high sediment delivery risk.

FWP Response: A land acquisition of this size that is mostly comprised of previously managed timber lands will potentially include some, perhaps many, problematic sediment delivery sites. These sites, sometimes referred to as “legacy” sites, occur both naturally and from previous land management activities. It takes time to familiarize with everything on a landscape this large and more time to identify and prioritize problem areas. The timelines included in the multi-resource management plan are informed professional judgments about how much time and money realistically will be needed to implement corrective actions, assuming that problem areas occur at rates similar to those known from previous experience. Remediation could be much quicker, of course, if sites having high sediment delivery risks are fewer than presently anticipated.

5. It allows the landowner to construct and maintain up to 5 miles of temporary roads to facilitate timber management. However, temporary roads have impacts similar to permanent roads such as erosion during and just after construction, and compaction and loss of soil productivity. Road obliteration does not immediately stop severely elevated soil erosion from roads. Temporary roads have enduring impacts on aquatic resources.

FWP Response: A land acquisition of this size that is mostly comprised of previously managed timber lands will potentially include some, perhaps many, problematic sediment delivery sites. These sites, sometimes referred to as “legacy” sites, occur both naturally and from previous land management activities. It takes time to familiarize with everything on a landscape this large and more time to identify and prioritize problem areas. The timelines included in the multi-resource management plan are informed professional judgments about how much time and money realistically will be needed to implement corrective actions, assuming that problem areas occur at rates similar to those known from previous experience. Remediation could be much quicker, of course, if sites having high sediment delivery risks are fewer than presently anticipated.

Other Concerns/Issues Not Addressed in the EA:

1. Please define “working forest landscape” (EA at page 42). Will forest management activities in Alternative 2 be subject to MEPA?

FWP Response: FWP recognizes that we, as potential future owners of these lands under Alternative 2, would ultimately have to manage the forest and timber resources to some degree. This would be required to deal with fire, insects and diseases, blow down, wildlife habitat, etc. As the public noted, these lands have been used for fiber production over the last century, and it could be years to decades before some of these lands will recover their full habitat potential. There are many issues, such as weeds, roads and water quality, overstocked young stands, lack of species diversity and ages, and many other issues that we would have to address over time. We used this term “working forest landscape” to mean that FWP would propose and implement management projects such as thinning, fuel reduction, planting, group selection cuts, or other timber sales designed to improve or restore natural forest stand conditions, and improve species and habitat diversity and stand merchantability over time. Once these investments are made, and as long as fish and wildlife values overall are not significantly impacted, FWP would plan

and propose to manage the forest in a manner that we could possibly recover some of the long-term management costs needed to improve the lands over time through timber sales, perhaps generating enough income to sustain our management of the land in perpetuity. FWP would follow the MEPA process when we propose a detailed management plan to address how we would restore productive forest on these lands and address the various forest and fish/wildlife problems over time. Once that plan was adopted, we would need to again comply with MEPA when proposing specific actions that take place under that plan.

2. BPA reserves rights for transmission lines under all alternatives, but there was no analysis in the EA. Will MEPA/NEPA be done at the time of transmission line proposal? If not, then how will these effects be analyzed?

FWP Response: All BPA transmission line projects will be subject to a separate NEPA analysis and public involvement process.

3. The 2010 Resident Fish Memorandum of Understanding was mentioned, but we do not know what provisions are/will be in it.

FWP Response: The 2010 Resident Fish Memorandum of Understanding is the agreement between MFWP and BPA by which BPA provides money to the West Swan Valley Project in exchange for fish mitigation credits. This agreement will most likely be finalized and signed in early October at which time its contents will be made publicly available.

4. We have been informed that the appraisal of the lands for conservation easement and for fee title has not been finalized. This is extremely important information that is necessary for the public and decision-maker to understand and analyze the decision. Both MEPA and NEPA require this information in the Environmental Assessment. We reserve the right to supplement our comments when this information is available for public review. If the appraisal for these lands is lower than the 15.5 million secured by BPA, it may be prudent to purchase lands from the DNRC to better protect this important wildlife and fish habitat for the long term benefit of future Montanans.

FWP Response: It is unfortunate that the appraisal was not available during the environmental review period. FWP will release the appraisal information once it is available so that the public can provide comment to the FWP Commission and/or State Land Board in a timely fashion. Agencies generally provide agendas and notices of decisions on their agency websites at least one week prior to final decisions. FWP Commission plans to consider a decision on this project during its upcoming October 7 Commission meeting in Helena. The State Land Board's decision will be dependent on the availability of the appraisal and funding information as well as the willingness of the landowner to complete a transaction. The earliest a final decision could be made, pending the availability of the appraisal and landowner intent, is the October 18 or November 15 State Land Board meeting.

5. The purpose of the BPA funds is to mitigate the loss of fish habitat from the development of the Hungry Horse Dam. Only DFWP has the mission congruent with the purpose of the funds.

FWP Response: The conservation of natural resources and values is the overarching goal of this project. The project lands are in private ownership, and if no action is taken by FWP, these lands may be sold on the private market. All entities and agencies involved in the West Swan Valley Conservation Project are working to convey this land to potential public ownership, while also providing public benefits by protecting important conservation values of these lands, maintaining their overall productivity, and ensuring permanent public access. The final result may not be 100% conservation of the fish and wildlife habitats nor 100% private timber production, but some intermediate result within this range. This overall conservation purpose is in line with the objectives of the proposed property acquisitions, whether land is purchased in fee or protected by an overarching conservation easement, or a combination of the above. The fish mitigation purpose of BPA funding in any proposed action would be achieved by enhanced stream protections, with the additional benefit that other conservation objectives may also be realized as well.

6. Will this proposed project impact outfitters' opportunities to lease land for commercial recreation?

FWP Response: The conservation easement allows the landowner to lease the land for commercial recreation, but commercial recreational leases cannot exclude public use. Also, commercial outfitting cannot impact the general public recreational use. Under FWP ownership alternative, commercial outfitting would be considered under our commercial use rules.

Decision

Through the MEPA process, FWP found no significant impacts on the human or physical environments associated with any of the proposed alternatives that could not be mitigated. Therefore, the EA is the appropriate level of analysis, and an environmental impact statement is not required. Based on the EA, public comment, and the fisheries conservation benefits that all proposed action alternatives would provide, it is my recommendation that FWP and Commission approve a course that allows the state to implement any one of the three possible action alternatives considered in the draft EA to ensure these lands are conserved for future generations. The final decision of which alternative is available to FWP will be dependent on the willingness of the landowner or seller (The Nature Conservancy, in this instance), available funding, and final costs of the alternatives, which are not available at this time.



James R. Satterfield Jr., Ph.D.
Regional Supervisor

September 29, 2010
Date